

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF TRUSTEES  
OF FOX METRO WATER RECLAMATION DISTRICT  
HELD WEDNESDAY AUGUST 18, 2021.**

The Board of Trustees met in a regular monthly meeting at 9:30 A.M. in the offices of the District at the Water Pollution Control Plant on Wednesday, August 18, 2021. Present were, Trustee Judith S. Sotir, Trustee Michael Funkey, Trustee Chris F. Childress (via phone), Trustee Dave Krahn and Trustee Randall H. Brown. Also present were Attorney Gregg Ingemunson (via phone), District Manager Thomas F. Muth, District Engineer, John Frerich from Deuchler Engineering, Assistant District Manager Karen Clementi, Human Resources Coordinator, Patrick Divine, IT Supervisor, Dan Vargas, and Norma Rodriguez.

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The bills were presented and read. It was moved by Trustee Funkey that the bills that have been presented and paid during the month of July, 2021 be approved in the amount of \$2,426,443.93, Motion was seconded by Trustee Krahn, put to vote and unanimously carried that the bills be paid as presented.

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It was moved by Trustee Funkey seconded by Trustee Krahn, put to vote and unanimously carried that the Treasurer's Report for July, 2021 be approved as submitted.

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It was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote, and the Motion was unanimously carried that the minutes of the July 21, 2021 Board meeting be approved as written. Each of the Trustees having received and read copies of said minutes before the meeting.

In Public Comments, Trustee Sotir on behalf of the Board congratulated all of the employees who celebrated birthdays in the month of August.

Trustee Sotir announced that the recipient of the Fox Pride Award for the month of August is Joshua Stork. Operations Supervisor, Joel Ilseman advised the Board that Joshua is a third shift Operator and has been with the District for approximately two and a half years. Josh has been doing an excellent job at the Plant and has recently received his Class 4 Operators License. On July 29, 2021 the Plant had a power outage at 3:00 a.m., with no foreman on site and most of the Operators on third shift were new



employees. Josh was the lead Operator that night and did an excellent job of controlling the situation and getting things going at the plant by controlling the flows to avoid an excursion or an overflow. The Board and staff thanked Josh for the great job he is doing and for his dedication at the District. For this reason, Josh is recognized as August's Fox Pride Award recipient.

The Board congratulated Matt Entile for his 10 years of service at the District.


The Board also congratulated Kevin Kwosek for his 5 years of service at the District.

Trustee Sotir updated the Trustees regarding the Public Relations Task Force. She offered the opportunity to the other members of the Board to join her in the Committee if they were interested.

Trustee Sotir said some of the things the PR Committee has discussed is Senate Bill SB0294 (Wipes Labeling Act) from Illinois. The Governor signed this on August 9, 2021 and it will go into effect on July 1, 2022. The District has been pushing for this for a long time and it is great that it is coming to fruition. Trustee Krahn asked how the enforcement of this Act will work. Trustee Sotir said this Act is for the manufacturers of hand wipes to change their labeling to NOT state that these wipes are flushable. Karen Clementi stated that one of the ideas the PR Committee is discussing is to develop signs and distribute them to the small businesses in the area regarding the wipes so that people are aware. Large businesses such as Walmart, Target and Walgreens will have their own signage. One thing the Committee has been doing all along is creating bilingual signs to distribute to the local Park Districts and other municipal facilities that they can place on the diaper decks in their bathrooms.

Sci-Tech in Aurora is still closed to the Public. Also, Fox Metro will begin having Plant tours again and will now include a tour of the solar field. Fox Metro will participate in the Montgomery Fest and Oswego's Prairie Fest.

Also discussed at the PR Committee meeting is the electric vehicle charging station. Manager Muth advised the Board that Fox Metro received a Powering Safe Communities Grant in the amount of \$10,000.00 for this project. As a result of that, a letter was received from the Kendall County Board Chairman, Scott Gryder, recognizing the District. The electric charger will have the ability to charge up to two electric vehicles and it will be located in between the Administrative Building and the Lab.



This charging station will work like a gas pump. There will be two possible rates that will be charged at the charging station, one rate for the employees and one rate for the general public. Staff will be looking to the Board of Trustees for direction with regard to this. The Grant will not cover the whole cost of installation but Fox Metro staff will be performing a lot of the work in-house. Trustee Funkey inquired what the total cost of the Station would be. Karen stated that staff received two bids from vendors that included the full installation price of the charging station and the lowest bid was approximately \$23,000.00. Karen stated that there will be in-house labor for the installation and will have to calculate how much that will be in order to deduct it from the bid.

This charging station will eventually be another source of revenue for the District because it will be available to the general public. The typical cost to charge a vehicle is approximately \$3.50.

Karen advised the Trustees that the next piece to this is that the District will be applying for a grant for an electric vehicle now that it has a charging station. Discussion ensued

Trustee Sotir advised that the Public Relations Committee will meet again on September 1, 2021 at 10:00 a.m. and invited any Board Member that is interested to attend if they wanted to participate. Trustee Brown stated he would be happy to join the PR Committee.

With no other Public Comments, it was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote and unanimously carried that the Regular Board Meeting be temporarily adjourned for the Committee of Local Improvements.

The Regular Board Meeting temporarily adjourned at 9:52 A.M.

In the Committee of Local Improvements, Karen Clementi and Linnea Scherer gave a presentation regarding the 2021 Biannual User Rate Study. A memorandum was shared with the Trustees before the Board Meeting to review regarding the Rate Study and Increase Scenarios that was prepared by Sikich.

Karen stated that staff wanted to get the Trustee's thoughts and feedback on the next steps to take with regard to the rate increase. She said in September of 2020, the Capital Improvements Committee began working together on all of the District's projects for the next twenty years to see where their projects fit in. Karen and Linnea worked with Sikich this

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Spring and took all the information gathered and obtained final scenarios in July 2021. One of the key pieces of this is that back in 2018 the Board put forth Ordinance #871 with the annual rate increase that was expected in the future but then the pandemic hit and that changed all of the forecast because Fox Metro has not implemented a rate increase in two years.


The 2020 and 2021 rate increases were suspended for user rate relief during the pandemic. The chart below summarizes the rates as specified in the 2018 ordinance versus the implemented rate due to the pandemic and it significantly impacted cash flow.

| <b>Date</b>           | <b>Ordinance Rate</b> | <b>Actual Rate</b> |
|-----------------------|-----------------------|--------------------|
| 06/01/2017-05/31/2018 | \$5.97                | \$5.97             |
| 06/01/2018-05/31/2019 | \$6.24                | \$6.24             |
| 06/01/2019-05/31/2020 | \$6.53                | \$6.53             |
| 06/01/2020-05/31/2021 | \$6.83                | \$6.53             |
| 06/01/2021 - present  | \$7.14                | \$6.53             |

Trustee Krahn inquired how much revenue was lost by the District due to not implanting the rate of \$7.14 on June 1, 2021. Manager Muth said there was a revenue loss of \$2.65M to the end of July which is a loss of \$175,000.00 per month.

Linnea shared with the Board summarized statistics for the years ending May 31, 2021 through 2030. She reviewed what happens to the cash flow year after year in the scenarios. Variability year by year is also dictated by the sequencing and timing of forecasted capital improvement projects. The first five-year projections are more reliable than the final five years due to the increasing likelihood of unforeseen operational, maintenance, and repair projects.

| <b>Scenario #</b> | <b>Rate Increase</b>                   |
|-------------------|--|
| Scenario #1       | 2022 at 5%, 2023 to 2030 at 0% per FY  |
| Scenario #2       | 2022 to 2030 at 5% per FY              |
| Scenario #3       | 2022 at 10%, 2023 to 2030 at 5% per FY |
| Scenario #4       | 2022 at 5%, 2023 to 2030 at 3% per FY  |
| Scenario #5       | 2022 at 10%, 2023 to 2030 at 3% per FY |




Forgoing the rate increase for the past 2 years has had a compounding effect, significantly impacting all future scenarios. Scenario #1 assumes freezing rates at \$6.86 per 1,000 gallons after 2022. This scenario shows that the District would have insufficient cash flow by 2026. Scenario #2 continues the 5% annual increase adopted in 2018 and would not provide sufficient cash on hand to fund Fox Metro's anticipated projects over the next 10 years. Similarly, Scenario #4 assumes continuing the last 5% increase followed by 3% annual increases and also would not provide sufficient funding. Scenarios #3 and #5 assume a 10% increase for 2022 to recoup the delayed rate increases plus the regularly scheduled 2022 increase. The modeling shows that the 10% 2022 increase will make a major impact in the overall financial planning, but may be unpopular with the ratepayers. It is important to note that even with a 10% increase in calendar year 2022, the District will still be two years behind the needed funding forecasted for the 2018 ordinance. Implementing Scenario #3 should also allow the District the financial flexibility to start paying part or all of the Waubensee Community College loan.

At 10:00 A.M. Manager Muth opened and read aloud bids received for Digester Complex Improvements as follows: Vissering Construction Company – Total Bid \$9,069,000.00; River City Construction – Total Bid \$9,299,000.00; Williams Brothers Construction – Total Bid \$8,970,000.00; IHC Construction Companies – Total Bid \$9,080,722.00; Joseph J. Henderson & Son – Total Bid \$9,588,000.00; Integral Construction, Inc., – Total Bid \$7,032,000.00. Engineer's Estimate for this project is \$8.1M. After Discussion and based on recommendation of staff, it was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote and unanimously carried that the bid from Integral Construction for \$7,032,000.00 be accepted and the bid from Williams Brothers Construction, for \$8,970,000.00 be held pending specification review by Fox Metro Water Reclamation District and Deuchler staff.

Continuing with the Committee of Local Improvements. Karen and Linnea stated that based on the information provided above, it is staff's recommendation to proceed with the rate increase modeled in Scenario #3 of 10% in calendar year 2022 (5% on January 1 and 5% on June 1) and 5% each fiscal year thereafter. We recommend adopting the new rate of **\$6.83** per 1,000 gallons on January 1, 2022 and \$7.18 per 1,000 gallons on June 1, 2022. They also recommend amending Ordinance #871 as follows:

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“Section 15.33. User rate established.

(b) There shall be and there is established and imposed on all users of the District’s wastewater facilities and sewerage system a User Charge of **\$6.83** per 1,000 gallons of water consumption to be computed as set forth herein and other applicable District Ordinances, said charge to become effective January 1, 2022 and to continue until May 31, 2022, at which time the User Charge shall increase by 5% on June 1, 2022 and 5% on June 1 each year thereafter until otherwise changed. Each of the foregoing rate increases shall be applied to the billing cycle. The foregoing rates shall be reviewed in future rate studies. “


Scenario #5 is the staff’s second choice. The anticipated project schedule can be modified to delay some projects and reduce expenditures. Loans, grants, or bonds could be aggressively pursued to allow more cash to remain on hand.

Additionally, staff recommends conducting the rate study a minimum of every 2-3 years or on an as-needed basis (such as obtaining an IEPA loan or a large, unforeseen project arises that changes the base assumptions). Should a large project need arise, staff would recommend increasing the user rate accordingly. Rate studies will no longer be prepared in April to be presented in summer as the timing of the audit and the budget impact the timeliness of the data in the report. A new timeline will be established when planning the next rate study.

Linnea said depending on which scenario the Board approves, will determine how quickly late fees are re-implemented. Trustee Funkey clarified that the 10% increase is in reality a 5.5% increase because the rates would be raised to what the fees would have been in 2019 and 2020.

Karen said staff wants to give a strong message to the public that Fox Metro did not implement a rate increase during the pandemic. Trustee Funkey stated that it is very important to disclose that the District waived \$1.3M in late fees as a result of the pandemic. The public has to be educated that all future projects at the District are due to mandates from the EPA and IEPA to keep the plant safe and in good working order. These future projects are also due to health, safety and welfare of the public. Discussion ensued regarding the different scenarios

Trustee Childress said it was his opinion that Scenario #3 is the one that the Board should move forward with because the purpose of this scenario is recapturing what should have been done in 2019-2020 but it was



suspended due to COVID-19. He suggested taking scenario #3 and then look down the road to monitor it and if funds come in better or projects are suspended, the Board can always stop the rate increase. He said that many years ago when a large rate increase was implemented, the Board wanted to avoid the lump sum but this time this issue was created because the Board wanted to give relief to the customers.


Trustee Childress said his recommendation includes to immediately begin collecting late fees again and follow Scenario #3 that was previously discussed.

Karen stated that is staff's recommendation as well. Staff will need some lag time because customers need to be notified that late fees will resume again. The Billing department needs to be notified and they have to prepare because they will be on the front line of the angry calls and complaints. Manager Muth said Fox Metro has been following City of Aurora's lead and they have not begun to implement late fees yet. Karen said that staff also did not want to resume the late fees at the same time that the rate increase was implemented. She said that staff's suggestion was to begin resuming late fees first and then implement on January 1, 2022 the scenario the Board approves.

Trustee Funkey inquired if the late fees that will be implemented are going to be on statements that are sent out after a date of implementation is approved. Karen confirmed that was correct. Trustee Funkey stated that the user is the one that controls whether there are going to be any late fees. Karen said that one in four user pays their bill late and that has not changed before or after the pandemic. Karen also asked the direction from the Board as to when the water disconnections should resume again.

Trustee Krahn said everything seems to be getting back to normal and his opinion is to resume the late fees on October 1, 2021 and Trustee Funkey concurred. Trustee Brown said his recommendation is to resume the late fees October 1, 2021 and to implement a 10% rate increase on January 1, 2022 and then go to 4% increase per fiscal year where the District would still have enough funds to have a positive end result. Karen said the only thing is that would not give the District the ability to pay back the Waubonsee loan.

Trustee Brown inquired what the Waubonsee loan was. Manager Muth explained that the District owes Waubonsee approximately \$2.75M because they advanced funds to cover the cost of construction of a 36 inch interceptor that goes through the college in Sugar Grove when they




closed their treatment plant and connected to Fox Metro. Discussion ensued regarding location of the pipe, circumstances Waubonsee had to connect to the District, the reasons why they advanced the funds for the project and the terms the District has to pay back those funds. Manager Muth said that no interest has been paid on these funds but when the District receives Infrastructure Participation Fees (IPF) from any properties adjacent to the college the District pays those IPF fees directly to the college. John Frerich said to not think the \$2.75M as a loan but a Recapture Agreement which means Waubonsee advanced and funded for the oversizing of the interceptor and they were able to recapture as other developments tied on to that interceptor. Because this cost of \$2.7M is pending, it is not cost effective to extend this sewer through their property. Karen added that this chases away development and it is also a PR issue for Fox Metro. John said there has been a lot of interest with that corridor especially with the opening of I88 to Route 47.

Trustee Krahn asked what Manager Muth wants to do with that recapture fee of \$2.75M. Manager Muth said he wants authorization to pay back that fee to Waubonsee because this debt has been pending for 15 years. Karen added that it would be good to get this obligation off the books. Trustee Funkey said this is an obligation that is not due. This is a Recapture Agreement and the obligation to pay depends upon the development in the area. This means the District is not under any obligation to pay the \$2.7M at this time. Trustee Funkey said he did not understand how this fee complicates development in the area. Manager Muth said the problem is that any development that wants to build next to Waubonsee needs to pay an Infrastructure Participation Fee and that goes directly to the College which leaves no funds left for the District to construct the interceptor.

Trustee Funkey said the Board is discussing a rate increase and staff wants to pay a fee of \$2.75M that the District is not obligated to pay at this time. He questioned the District should charge its users to repay it. Manager Muth said this is a decision the Board needs to make, he just wanted to bring it up for discussion. He said that it is a possibility that perhaps next year or the year after a developer may come to the Board ask why their service line can't be extended even though they paid their infrastructure participation fees. Trustee Funkey said if a new development comes in, it is not going to cost \$2.75M to put the pipe in the ground. Manager Muth said it depends on how far the pipe has to be extended. Trustee Funkey said fifteen years ago, when the District entered its Agreement with Waubonsee, either they had to build a plant that could accommodate the requirements for treatment at that time or






they had to give it to the District and they gave it to the District. The Agreement that was entered into was beneficial to the District. Trustee Funkey said that he wants the District to be financially sound and the other side of the coin is how can it be justified to the rate payers a larger increase when it is not an obligation that has to be met. Manager Muth said the agreement was beneficial to the District because the District was not required to construct the interceptor around the college but through it. Saving the District hundreds of thousands of dollars.

Trustee Funkey said development is speculative and there may be a residential development that will be built there but it is uncertain if and when that will happen. Manager Muth said the Board needs to be prepared if a developer comes in six months or a year from now that the District will have to cashflow the sanitary sewer extension. Trustee Funkey said it is speculative whether a developer will come in six months from now but what is known is that there is a proposal to increase the rates to accommodate an obligation that does not have to be met. Trustee Sotir said that if a developer does decide to build in that area, the Board needs to figure out where is the District going to find the money to front fund the project. Trustee Funkey said it is all speculative. Mr. Frerich said this whole thing is projections and it is an unfunded capital improvement the District would have to cash flow at some point in time. Staff is trying to project it with growth the way it is within these five or ten years. Trustee Funkey said this is an obligation that staff and Board need to be aware of what is likely to occur to protect the District in the event a new development comes in and an interceptor needs to be built.

Manager Muth said he feels this matter has been discussed enough and agrees with the Board's decision on when to pay the \$2.75M fee back to Waubensee, he was only suggesting to do it now. Trustee Funkey said he does not think this is enough debate regarding this issue and would like to hear what the rest of the Board thinks of the Matter.

Trustee Brown suggested to borrow the funds to pay the debt while the interest rates are low. Trustee Muth suggested that the District does not need to borrow funds, it is a matter of Board decision to pay it back at whatever point in time they agree. Trustee Funkey said the District has the funds to pay this debt, the District could just pay it. Trustee Childress said he agreed with Trustee Funkey that as a Board, they have to look to the future growth and the money the District will have to spend. He said there has already been an increase in development coming into the area and the District has had two recent developments




that have had the need to build new pumping stations. Seeing this on the horizon and going back to what the Board originally said they were going to do in terms of rate increases, Scenario #3 in the previous discussions is brilliant with implementation of what the rate increase was going to be five years ago now. Trustee Childress added that he does not like a scenario where the district runs near or out of funds because we are basing that on what the development is the area right now and what is going to be happening in the future. He said if down the road it is discovered that a development is not happening the way it was expected to happen, the rate increase could be suspended just like it was 2 years ago.


Manager Muth said one key is to continue with the rate studies so that the Board is given the most current and best information available. Rate studies are not costly and they provide the District with the most updated and current information available to forecast costs.

Trustee Krahn said it is going to take Sugar Grove two or three years to see progress in development. He inquired if there was any reason why the fee of \$2.75M cannot be made in installments of perhaps \$500,000.00 per year. Manager Muth said this is an option that certainly could work. Karen said this would be a staff recommendation from a cash flow perspective. A payment plan could be set up and start making payments now. Trustee Sotir said the District does not need this debt pending for such a long period of time because if something unforeseen happens again like another pandemic, the District will be in deficit. Trustee Krahn said if things change next year, the District can pay it in full but in the meantime, it can be paid in installments or skip a year if funds are low because this is internal so it is up the Trustees to decide how to pay it back. Discussion ensued regarding the Recapture Agreement

Trustee Funkey said based on the analysis of development and what is likely to occur, it should perhaps be handled in the budget and funds set aside for those contingencies. Manager Muth said the Trustees have given him their position and in years to come when a development comes in and the IPF fees are paid to Waubensee they have to keep in mind that the District will have to cashflow the interceptor. Trustee Funkey said that is the risk the District has taken for the past fifteen years. Manager Muth said this position was not given when this was discussed with Crown Development four years ago when it was on the table. Now staff knows what the Board's position is and will know how the Board will handle this matter in the



future. Trustee Krahn said it is his suggestion to set this aside. Trustee Sotir said there are two aspects of this. One is that the District allowed Waubonsee to decommission their plant and save them money from that stand point. The other aspect is that the District asked them to increase the size of the pipe so that this pipe did not have to be replaced in the future. Manager Muth said that one of the biggest advantages was the ability to be able to go through Waubonsee College because that was the best route for the District. If the District would have gone around the college property, a lot more money would have been spent to serve the remainder of the service area. It was a win win for both Fox Metro and Waubonsee. They got an advantage because they were able to decommission and not have to comply with the regulations and restrictions of a wastewater treatment plant at the time and the costs associated with that. The District got the advantage that the sewer pipe was able to go through the college property and would not have to replace that pipe in the future because the size needed is already there. Mr. Frerich said it will be easier for the District and Deuchler to negotiate with a development now that staff knows the Board position because before for example, when they were trying to negotiate with Crown the extension of the sewer, repayment to Waubonsee and still try to make sure that the District was not cash flowing or outlaying any cash to get the development underway. Trustee Sotir added to Trustee Childress and Funkey's point that the Agreement the District has is a Recapture Agreement as opposed to a financial obligation that says the District owes Waubonsee. Trustee Funkey inquired when the discussions with regarding Crown Development were held. Mr. Frerich said it was in 2018 or 2019. Trustee Funkey stated he has made his position known, and he is not at the point that the District can justify a rate increase to pay an obligation that is not technically an obligation. Trustee Sotir said that the discussion with regard to the rate increase was not specifically just for the purpose to pay Waubonsee. The rate increase is a buffer for a potential cash outlay by the District to extend the sewer. She said she understands Trustee Childress and Funkey's point and agrees with the concept that it is a recapture and the debt does not have to be paid now but at the same time the District has this obligation pending and there are funds available now at low rates that can be utilized. Trustee Brown said he concurred with Trustee Krahn's suggestion of setting money aside and if there is a development, the Districts pays off the debt. Trustee Sotir agreed and added that if money is set a side the District would have the funds available for that contingency in the future. She believes all the Trustees have a good perspective of this and are giving Manager Muth some directive on how this goes.



Trustee Sotir said today they are discussing a rate study and the purpose of it is to keep looking and planning for the future. The user fee will have to be raised but the District has done a lot for the rate payers. The District has had the ability to tax the rate payers and that has never been enforced. She said the important thing is to pull all the funds together for future growth and that is the purpose of a rate study and that is why they are having this discussion today.

Trustee Childress said with regard to the rate increase, he inquired if instead of being 5%, if it can be 4.95%. Manager Muth said the rate increase can be any percentage the Board feels comfortable with. Discussion ensued

Trustee Sotir said another thing the Board needs to address is that this is being looked at as an aggregate as opposed to looking at it as a specific amount. Staff knows what the aggregate amount is going to be that the District owes in the future given the different scenarios. She said she believes is better to say this is the “X” amount of money that the District needs in the future and this is how this scenario is going to be used to get to that point.

Trustee Krahn reiterated that Scenario #3 for the rate increase is the one he is comfortable with given the fact that the District has not had a rate increase in two years. Trustee Funkey stated that it seems that the majority of the Board is most comfortable with Scenario #3 and wanted to clarify that it is not a 10% increase. Manager Muth asked the Board if they are all comfortable with Scenario #3, what amount do they want the rate increase to be on January 1, 2022. All Trustees concurred the rate should be 4.95% on January 1, 2022, 4.95% on June 1, 2022 and 4.95% every year after until a new Ordinance is written in 10 years. A new rate study will be completed in two years.

Karen asked the Board’s approval to resume late fees beginning the next billing cycle instead of October 1, 2021. All Trustees approved this request. Trustee Sotir said the rate payers need to understand that the District was being understanding and not charged any late fees during the pandemic but now it needs to begin funding for the future development of the plant.

Karen stated that staff will notify the public in the next billing cycle that Fox Metro will be resuming late fees and mention that this is as a result of infrastructures and improvements that were mandated by the

IEPA. Trustee Funkey stated that in reality what is being done is eliminating the forbearance of enacting the previously adopted rate study.

Trustee Sotir stated there was very good discussion in this meeting and the Board came up with some good ideas, but the bottom line is the District has to get to the point of how much funds are needed in order for the District to function in the future and there is a rate increase that makes financial sense that will help with that.

Manager Muth stated the original Ordinance and Resolution was for the increase to be 5% if the Board wants it to be 4.95% a new Ordinance and Resolution is needed. Trustee Funkey said the suggestion was not to change the previously established rate. The suggestion was to change the 5% in the future beyond the established rate to 4.95%. Manager Muth said a new Amended Ordinance and Resolution with new language will be brought to the Board for approval at the next Board Meeting.

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With no other matters to come before the Committee of Local Improvements, it was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote and unanimously carried that the Committee of Local Improvements adjourn and the Regular Board Meeting reconvene.

The regular meeting reconvened at 11:10 A.M.

Attorney Gregg Ingemunson addressed the Board with the Attorney's Report. He said he spoke with Dan Kramer this morning with regard to the Grant of Easement, Quit Claim Deed & Release of Easement as part of Redwood of Oswego Subdivision. Mr. Kramer advised Attorney Ingemunson that the Easement and the Deed are out for signature and expect to get those back from his client next week. Once those documents are received they will be ready for the Board to sign and be recorded.

Mr. John Frerich addressed the Board with the Engineer's Report and requested approval of Partial Payment No. 25 to Whittaker Construction, in the amount of \$285,937.44 for O&M Building Phase II Improvement Project.

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It was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote and unanimously carried that the Engineer's Report be approved as published and payments be made as requested.

Manager Muth addressed the Board with the Managers Report, by giving the Trustees a medical insurance update. He shared with the Trustees a



2022 Renewal Timeline from Stumm Insurance and reviewed it in detail and answered all questions.

The next item discussed was the Andover Park Sanitary Sewer Extension Project. Manager Muth advised the Board that the Oswego Park District received a Grant to construct a park facility with a trail and nice landscaping. He explained Fox Metro wanted to construct an interceptor approximately 100ft in length and a manhole to be able to get out of the area so the Park District can build their path over it. A contractor was hired, Performance Construction Engineering, and the Board gave authorization to staff to purchase all materials.

A huge problem developed as the contractor began excavating to place pipe in the ground. There were extenuating circumstances with the amount of ground water that was inundating the trench. They tried to put in three separate pumps to pump down the water table but were not successful. Part of the issue was that the discharge out of the pumps was not conforming to the soil erosion and sedimentation control. It was not following all of the guidelines for discharge off a construction site. It began to take notice in a retention pond and the contractor was aware of these circumstances and for those reason staff decided to shut down the project.

The pipe will be extended in the future based on development needs. The contractor hired in the future will have dewatering equipment to control the water table to a lower and safe construction level. When the South plant was being constructed the District was cited because the contractor was discharging higher solids off the site than is allowed. The construction company for the Andover project was beginning to do the same thing and knowing that, staff shut the project down.

Trustee Funkey inquired if the District had to pay a fine when it was cited for the issue at the South Plant. Manger Muth advised that the District did not have to pay a fine but there was a Compliance Commitment Agreement that had to be followed. This Agreement is the IEPA informing the contractor and the owner that they are not in compliance with the discharge off the site.

There being no further business to come before the Board, it was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote and unanimously carried that this meeting does now adjourn temporarily for Executive Session.



10872

At this time, it was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote and unanimously carried that this meeting be temporarily adjourned for Executive Session.

Regular Board Meeting temporarily adjourned for Executive Session at 11:25 A.M

10873

It was moved by Trustee Funkey seconded by Trustee Childress put to vote and unanimously carried that the Executive Session be adjourned and resume the Regular Board Meeting.

Regular Board Meeting reconvened at 11:54 AM

No decisions were made in Executive Session

10874

With no other business to come before the Board, it was moved by Trustee Funkey seconded by Trustee Childress put to vote and unanimously carried that this meeting be adjourned.

Meeting adjourned at 11:55 A.M.

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